

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

DELANA SAPOZHNIKOV, individually and as the
parent and natural guardian of D.G., a minor, and
S.G., a minor,

18CV1652 (ENV)(RER)

Plaintiffs,

**ANSWER ON BEHALF OF
DEFENDANT MATTHEW
TRIGUERO**

V.

THE CITY OF NEW YORK, MATTHEW TRIGUERO,
POLICE SERGEANT JOHN DOE, POLICE OFFICER
PENG, POLICE OFFICER JOHN DOE 1, and POLICE
OFFICER JOHN DOE 2

Defendants.

-----X

NATURE OF ACTION

1. This paragraph contains allegations that assume disputed facts and assume the ultimate allegation, therefore defendant denies.
2. This paragraph contains allegations that assume disputed facts and assume the ultimate allegation, therefore defendant denies.

JURISDICTION AND VENUE

3. Defendant admits that this court has jurisdiction over cases filed under 42 U.S.C. § 1983 and 1988, but deny that plaintiff has stated a claim thereunder.
4. Defendant admits that this court has subject matter jurisdiction over cases filed under 42 U.S.C. §§ 1331, 1343(a)(3) and (4), and 1367(a), but deny that plaintiff has stated a claim thereunder.
5. Defendant admits.

THE PARTIES

6. Defendant makes no response as to paragraph 6 as he has no basis of knowledge for residency of plaintiffs.
7. Defendant makes no response as to paragraph 7 as he has no basis of knowledge for residency of plaintiffs.
8. Defendant makes no response as to paragraph 8 as he has no basis of knowledge for residency of plaintiffs.
9. Defendant makes no response as to paragraph 9 as he has no basis of knowledge for the allegations therein.
10. Defendant admits.
11. Defendant makes no response as to paragraph 11 as he has no basis of knowledge for the allegations therein.
12. Defendant makes no response as to paragraph 12 as he has no basis of knowledge for the allegations therein.
13. Defendant makes no response as to paragraph 13 as he has no basis of knowledge for the allegations therein.
14. Defendant makes no response as to paragraph 14 as he has no basis of knowledge for the allegations therein.

JURY DEMAND

15. Defendant admits plaintiff demand a trial by jury.

FACTUAL ALLEGATIONS

16. Defendant denies the allegations in paragraph 16 with respect to the claim that Ms. Sapozhnikov works hard. Defendant admits that D.G. and S.G. are nine and eight years old, respectively.
17. Defendant admits the allegations contained in paragraph 17.
18. Defendant admits the allegations contained in paragraph 18.
19. Defendant admits the allegations contained in paragraph 19, with the exception that defendant denies the allegation that the residence located at 4099 Bedford Avenue contained an illegal dwelling.

20. Defendant admits the allegations contained in paragraph 20.
21. Defendant admits the allegations contained in paragraph 21.
22. Defendant denies the allegations contained in paragraph 22.
23. Defendant denies the allegations contained in paragraph 23.
24. Defendant denies the allegations contained in paragraph 24.
25. Defendant denies the allegations contained in paragraph 25.
26. Defendant denies the allegations contained in paragraph 26.
27. Defendant denies the allegations contained in paragraph 27.
28. Defendant denies the allegations contained in paragraph 28.
29. Defendant denies the allegations contained in paragraph 29.
30. Defendant denies the allegations contained in paragraph 30.
31. Defendant denies the allegations contained in paragraph 31.
32. Defendant denies the allegations contained in paragraph 32.
33. Defendant denies the allegations contained in paragraph 33.
34. Defendant denies the allegations contained in paragraph 34.
35. Defendant denies the allegations contained in paragraph 35.
36. Defendant denies the allegations contained in paragraph 36.
37. Defendant denies the allegations contained in paragraph 37.
38. Defendant denies the allegations contained in paragraph 38.
39. Defendant denies the allegations contained in paragraph 39.
40. Defendant denies the allegations contained in paragraph 40.
41. Defendant denies the allegations contained in paragraph 41.
42. The allegations contained in paragraph 42 contain a factual conclusion based on false claims contained in paragraphs 40 and 41 and defendant therefore denies.

43. Defendant is without knowledge to form a belief as to the claims contained in paragraph 43, with the exception that defendant denies any extremely frightening behavior.
44. Defendant denies the allegations contained in paragraph 44.
45. Defendant denies the allegations contained in paragraph 45.
46. Defendant denies the allegations contained in paragraph 46.
47. Defendant denies the allegations contained in paragraph 47.
48. Defendant denies the allegations contained in paragraph 48.
49. Defendant denies the allegations contained in paragraph 49.
50. Defendant denies the allegations contained in paragraph 50.
51. Defendant denies the allegations contained in paragraph 51, with the exception that defendant is without sufficient knowledge as to the circumstances of a regarding a 911 call being placed.
52. Defendant admits the allegations contained in paragraph 52.
53. Defendant denies the allegations contained in paragraph 53.
54. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 54.
55. Defendant denies the allegations contained in paragraph 55.
56. Defendant admits the allegations contained in paragraph 56.
57. Defendant admits the allegations contained in paragraph 57.
58. Defendant admits the allegations contained in paragraph 58.
59. Defendant admits the allegations contained in paragraph 59.
60. Defendant denies the allegations contained in paragraph 60.
61. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 61.
62. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 62.

63. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 63.
64. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 64.
65. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 65.
66. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 66.
67. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 67.
68. Defendant denies the allegations contained in paragraph 68.
69. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 69.
70. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 70.
71. Defendant denies the allegations contained in paragraph 71.
72. Defendant denies the allegations contained in paragraph 72.
73. Defendant denies the allegations contained in paragraph 73.
74. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 74.
75. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 75.
76. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 76.
77. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 77.
78. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 78.

79. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 79.
80. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 80.
81. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 81.
82. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 82, with the exception that defendant admits he was not arrested, and defendant denies any relationship to Sergeant Doe.
83. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 83, with the exception that defendant admits he was not arrested, and defendant denies any relationship to Sergeant Doe.
84. Defendant denies the allegations contained in paragraph 84.
85. Defendant denies the allegations contained in paragraph 85.
86. Defendant denies the allegations contained in paragraph 86.
87. Defendant denies the allegations contained in paragraph 87.
88. Defendant denies the allegations contained in paragraph 88.
89. Defendant denies the allegations contained in paragraph 89.
90. Defendant denies the allegations contained in paragraph 90.
91. Defendant denies the allegations contained in paragraph 91.
92. Defendant denies the allegations contained in paragraph 92.
93. Defendant denies the allegations contained in paragraph 93.
94. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 94.
95. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 95.
96. Defendant denies the allegations contained in paragraph 96.
97. Defendant denies the allegations contained in paragraph 97.

98. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 98.
99. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 99.
100. Defendant denies the allegations contained in paragraph 100.
101. Defendant denies the allegations contained in paragraph 101, with the exception that defendant admits he requested and was granted a Limited Order of Protection which allowed him to visit and check on his parents at 4099 Bedford Avenue.
102. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 102.
103. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 103.
104. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 104.
105. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 105.
106. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 106, as no dates are specified.
107. Defendant denies the allegations contained in paragraph 107.
108. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 108.
109. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 109.
110. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 110.
111. Defendant denies the allegations contained in paragraph 111.
112. Defendant denies the allegations contained in paragraph 112.
113. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 113.
114. Defendant denies the allegations contained in paragraph 114.

115. Defendant denies the allegations contained in paragraph 115.
116. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 116.
117. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 117.
118. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 118.
119. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 119.
120. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 120.
121. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 121.
122. Defendant makes no response to the allegations contained in paragraph 122 as it contains a qualifier preventing a direct answer.
123. Defendant admits the allegations contained in paragraph 123.
124. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 124.
125. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 125.
126. Defendant admits that plaintiffs repeat and reallege each preceding claim.
127. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 127, with the exception that defendant was ever warned that members of the NYPD that police had been dispatched to plaintiffs residence.
128. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 128.
129. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 129.
130. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 130.

131. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 131.
132. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 132, with the exception that defendant denies any relationship with Sergeant Doe.
133. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 133.
134. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 134.
135. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 135.
136. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 136, with the exception that defendant denies any relationship with Sergeant Doe or that defendants parents had paid money to Sergeant Doe.
137. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 137.
138. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 138.
139. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 139.
140. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 140.
141. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 141.
142. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 142.
143. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 136, with the exception that defendant denies any relationship with Sergeant Doe or that defendants parents had paid money to Sergeant Doe.
144. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 144.

145. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 145.
146. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 146, with the exception that defendant denies any relationship with Sergeant Doe.
147. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 147.
148. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 148, with the exception that defendant denies personally causing any of the allegedly sustained damages.
149. Defendant admits that plaintiff repeats and reallages each above paragraph.
150. Defendant denies the allegations contained in paragraph 150.
151. Defendant denies the allegations contained in paragraph 151.
152. Defendant denies the allegations contained in paragraph 152.
153. Defendant denies the allegations contained in paragraph 153.
154. Defendant denies the allegations contained in paragraph 154.
155. Defendant admits that plaintiff repeats and reallages each above paragraph.
156. Defendant denies the allegations contained in paragraph 156.
157. Defendant denies the allegations contained in paragraph 157.
158. Defendant denies the allegations contained in paragraph 158.
159. Defendant denies the allegations contained in paragraph 159.
160. Defendant denies the allegations contained in paragraph 160.
161. Defendant denies the allegations contained in paragraph 161.
162. Defendant admits that plaintiff repeats and reallages each above paragraph.
163. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 163, with the exception that defendant denies violating the Order of Protection.

164. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 164.
165. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 165, with the exception that defendant denies any relationship with Sergeant Doe.
166. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 166.
167. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 167.
168. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 168, with the exception that defendant denies receiving any warning from any member of the NYPD or violating the order of protection.
169. Defendant denies the allegations contained in paragraph 169.
170. The allegations contained in paragraph 170 contain a factual conclusion based on false claims contained in the above paragraphs and defendant therefore denies.
171. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 171.
172. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 172.
173. Defendant admits that plaintiff repeats and reallages each above paragraph.
174. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 174.
175. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 175.
176. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 176.
177. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 177.
178. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 178.

179. Defendant is without sufficient knowledge to form a belief as to the allegations contained in paragraph 179.

Prayer for Relief

180. The plaintiff has failed to establish the necessary elements to assert defendant Triguero was acting under color of state law.

181. Defendant Triguero has not at any point had a personal relationship any member of the NYPD.

181. Defendant Triguero denies that plaintiff is entitled to any relief under this complaint.

182. Defendant Triguero reserves the right to amend this answer in order to assert any affirmative defenses that may be uncovered or made known during the pendency of this case.

Dated: 6/15/18

Respectfully submitted,

_____/s/_____
Brian Hutchinson, Esq.
Attorney for Matthew Triguero
305 Broadway suite 1400
New York, NY 10007
212-323-7418